

United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

In RE:

Juliana Riahi fka Juliana Vlalukin fka Juliana Vlalukin Riahi fka
Juliana Khalifeh

Debtor

Address: 1226 Potomac School Rd

Mc Lean, VA 22101

Last four digits of Social Security No.(s): XXX-XX-0862

BCN #: 13-11487/RGM

Chapter: 7

Notice of Motion

The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the holders of the Certificates, First Horizon Mortgage Pass-Through Certificates Series FHASI 2007-4, by First Horizon Home Loans, a division of First Tennessee Bank National Association, Master Servicer, in its capacity as agent for the Trustee under the Pooling and Servicing Agreement has filed papers with the court to request an order granting relief from the Automatic Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then on or before November 4, 2013, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

You must also mail a copy to:

Susan C. Meyer, Esq.
Shapiro Brown & Alt, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, Virginia 23462
(757) 687-8777

Susan C. Meyer, Esq.

Shapiro Brown & Alt, LLP

236 Clearfield Avenue, Suite 215

Virginia Beach, Virginia 23462 Attorneys for The Bank of New York Mellon f/k/a The Bank of New York, as Trustee for the holders of the Certificates, First Horizon Mortgage Pass-Through Certificates Series FHASI 2007-4, by First Horizon Home Loans, a division of First Tennessee Bank National Association, Master Servicer, in its capacity as agent for the Trustee under the Pooling and Servicing Agreement

- Attend the hearing on the motion or objection scheduled to be held on November 20, 2013 at the United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314 in Courtroom II at 9:30 AM.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

13-237653

Dated: October 21, 2013

Shapiro Brown & Alt, LLP
Attorneys for The Bank of New York Mellon f/k/a The
Bank of New York, as Trustee for the holders of the
Certificates, First Horizon Mortgage Pass-Through
Certificates Series FHASI 2007-4, by First Horizon Home
Loans, a division of First Tennessee Bank National
Association, Master Servicer, in its capacity as agent for
the Trustee under the Pooling and Servicing Agreement

By: /s/ Susan C. Meyer

Susan C. Meyer, Esquire, VSB #43445
Shapiro Brown & Alt, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, Virginia 23462
(757) 687-8777

Certificate of Service

I certify that I have this 21st. day of October, 2013, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Linda Dianne Regenhardt
Linda Regenhardt, L.L.C.
100 N. Pitt Street, Suite 206
Alexandria, VA 22314

Donald F. King
Chapter 7 Trustee
1775 Wiehle Avenue, Suite 400
Reston, VA 20190

Juliana Riahi
1226 Potomac School Rd
Mc Lean, VA 22101

/s/ Susan C. Meyer

Susan C. Meyer, Esquire, VSB #43445

United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

In RE:
Juliana Riahi fka Juliana Vlalukin fka
Juliana Vlalukin Riahi fka Juliana Khalifeh
Debtor

BCN#: 13-11487/RGM
Chapter: 7

The Bank of New York Mellon f/k/a The
Bank of New York, as Trustee for the
holders of the Certificates, First Horizon
Mortgage Pass-Through Certificates Series
FHASI 2007-4, by First Horizon Home
Loans, a division of First Tennessee Bank
National Association, Master Servicer, in its
capacity as agent for the Trustee under the
Pooling and Servicing Agreement
or present noteholder,

Motion for Order Granting Relief From
Automatic Stay and Notice of Motion and
Hearing

Movant/Secured Creditor,

v.

Juliana Riahi fka Juliana Vlalukin fka Juliana
Vlalukin Riahi fka Juliana Khalifeh
Debtor

and

Donald F. King
Trustee
Respondents

COMES NOW, The Bank of New York Mellon f/k/a The Bank of New York, as Trustee
for the holders of the Certificates, First Horizon Mortgage Pass-Through Certificates Series
FHASI 2007-4, by First Horizon Home Loans, a division of First Tennessee Bank National
Association, Master Servicer, in its capacity as agent for the Trustee under the Pooling and
Servicing Agreement, its assignees and/or successors in interest, (hereinafter “the Movant”), by
counsel, and moves the Court for an Order Granting Relief from the automatic stay of 11 U.S.C.
§ 362 (a), and in support thereof states as follows:

Susan C. Meyer, Esq.
Shapiro Brown & Alt, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, Virginia 23462 Attorneys for The Bank of New York Mellon f/k/a The Bank of New
York, as Trustee for the holders of the Certificates, First Horizon Mortgage Pass-Through Certificates
Series FHASI 2007-4, by First Horizon Home Loans, a division of First Tennessee Bank National
Association, Master Servicer, in its capacity as agent for the Trustee under the Pooling and Servicing
Agreement

1. That the bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362(a); Federal Rule of Bankruptcy Procedure 9014, and Local Bankruptcy Rule 9014-1. This matter is a core proceeding.

2. That the above named Debtor filed a Chapter 11 Petition in Bankruptcy with this Court on April 2, 2013 and it converted to a Chapter 7 on July 30, 2013.

3. That Donald F. King has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding and is hereby made a party to this proceeding.

4. That the subject deed of trust secures a parcel of real property (hereinafter "the Property") with the address of 1226 Potomac School Rd, Mc Lean, VA 22101 and more particularly described in the Deed of Trust dated May 3, 2007 and recorded as Deed Book/Instrument Number 19315 at Page 0031 among the land records of the said city/county, as:

All that certain lot or parcel of land situated in the County of Fairfax, Commonwealth of Virginia, and being more particularly described as follows:

Lot 53, Section 3, Evermay, as the same appears duly dedicated, platted and recorded in Deed Book 3319, at page 279, among the land records of Fairfax County, Virginia.

(Copies of Deed of Trust and Note are attached hereto marked as Exhibit "A" and "B" and made a part hereof by reference).

5. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtor.

6. That the Debtor is in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust.

The Debtor is due for:

- o 13 monthly payments of \$5,528.58 each which were to be paid directly to Movant;
- o 2 monthly payments of \$5,558.60 each which were to be paid directly to Movant;
- o 7 monthly payments of \$5,576.76 each which were to be paid directly to Movant;
- o 6 monthly payments of \$5,588.15 each which were to be paid directly to Movant;
- o Bankruptcy Fees of \$550.00
- o Bankruptcy Costs of \$176.00
- o Suspense Balance of -\$2,614.26
- o Total of \$153.666.70

7. The unpaid principal balance on the said note is \$681,283.27.

8. That as of October 16, 2013, the total amount of indebtedness owed by the Debtor to the Movant is approximately \$812,950.71.

9. That the value of the Property is \$998,030.00 based on the county's tax assessed value of the Property. (A copy of the Real Estate Assessment - 2013, is attached hereto, marked as an Exhibit)

10. That the Movant has elected to initiate foreclosure proceedings on the Property with respect to the deed of trust, but is prevented by the Automatic Stay from going forward with these proceedings.

11. That the Property is not necessary for an effective reorganization of the Debtor estate.

12. For the reasons state above, cause exists to terminate the automatic stay of 11 U.S.C. § 362(a), pursuant to the provisions of § 362(d)(1) of the Bankruptcy Code.

Wherefore, the Movant prays that the Court give judgment and enter an Order modifying the automatic stay of 11 U.S.C. § 362(a), so as to permit the Movant and the Trustees under the deed of trust to conduct a foreclosure sale of the Property, to otherwise enforce the lien of its deed of trust, to record a Trustee's Deed in execution thereof, and to take such action as is appropriate to obtain possession of the Property, and for such further relief as the Court deems just.

Dated: October 21, 2013

Shapiro Brown & Alt, LLP
Attorneys for Movant

By: /s/ Susan C. Meyer
Susan C. Meyer, Esquire, VSB #43445
Shapiro Brown & Alt, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, Virginia 23462
(757) 687-8777 13-237653

In RE:
Juliana Riahi fka Juliana Vlalukin fka
Juliana Vlalukin Riahi fka Juliana Khalifeh
Debtor

BCN#: 13-11487/RGM
Chapter: 7

The Bank of New York Mellon f/k/a The
Bank of New York, as Trustee for the
holders of the Certificates, First Horizon
Mortgage Pass-Through Certificates Series
FHASI 2007-4, by First Horizon Home
Loans, a division of First Tennessee Bank
National Association, Master Servicer, in its
capacity as agent for the Trustee under the
Pooling and Servicing Agreement
or present noteholder,

Movant/Secured Creditor,

v.

Juliana Riahi fka Juliana Vlalukin fka Juliana
Vlalukin Riahi fka Juliana Khalifeh

Debtor

and

Donald F. King
Trustee
Respondents

Notice of Motion and Hearing

Please take notice:

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen day period.

A copy of any written response must be mailed to the following persons:

Susan C. Meyer, Esquire
Law Offices of
Shapiro Brown & Alt, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, Virginia 23462

Linda Dianne Regenhardt
Linda Regenhardt, L.L.C.
100 N. Pitt Street, Suite 206
Alexandria, VA 22314

Donald F. King
Chapter 7 Trustee
1775 Wiehle Avenue, Suite 400
Reston, VA 20190

Juliana Riahi
1226 Potomac School Rd
Mc Lean, VA 22101

United States Trustee, Region 4
115 South Union Street, Suite 210
Alexandria, Virginia 22314

In order to oppose this motion, you must also attend the preliminary hearing scheduled to be held on: November 20, 2013 at 9:30 AM in Courtroom II, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

Dated: October 21, 2013

Shapiro Brown & Alt, LLP
Attorneys for the Movant

/s/ Susan C. Meyer

BY: Susan C. Meyer, Esquire, VSB #43445
Shapiro Brown & Alt, LLP
236 Clearfield Avenue, Suite 215
Virginia Beach, Virginia 23462
(757) 687-8777 13-237653
Counsel for The Bank of New York Mellon f/k/a
The Bank of New York, as Trustee for the holders
of the Certificates, First Horizon Mortgage Pass-
Through Certificates Series FHASI 2007-4, by First
Horizon Home Loans, a division of First Tennessee
Bank National Association, Master Servicer, in its
capacity as agent for the Trustee under the Pooling
and Servicing Agreement

Certificate of Service

I certify that I have this 21st. day of October, 2013, electronically transmitted and/or mailed by first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice.

Linda Dianne Regenhardt
Linda Regenhardt, L.L.C.
100 N. Pitt Street, Suite 206
Alexandria, VA 22314

Donald F. King
Chapter 7 Trustee
1775 Wiehle Avenue, Suite 400
Reston, VA 20190

Juliana Riahi
1226 Potomac School Rd
Mc Lean, VA 22101

/s/ Susan C. Meyer
Susan C. Meyer, Esquire, VSB #43445

13-237653